

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION

DAVID V. CARTER

PLAINTIFF

V.

CIVIL ACTION NO. 4:21-CV-146-SA-JMV

CHANCERY COURT JUDGE W.M. SANDERS,  
JUDGE CHANCERY COURT WILLIE PERKINS,  
and MARY GILES

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

Plaintiff David V. Carter filed this suit on November 3, 2021 asserting claims under Section 1983 for Due Process and Equal Protection violations and seeking declaratory relief. The Plaintiff filed a Motion [2] to proceed *in forma pauperis* that same day.

On January 24, 2022, the Magistrate Judge assigned to this case entered a Report and Recommendation [5] *sua sponte* recommending “that the Plaintiff’s complaint be dismissed without prejudice for failure to state a non-frivolous claim and the Plaintiff’s application to proceed *in forma pauperis* be denied as moot.” [5] at p. 6. The Report [5] further informed the Plaintiff that he had fourteen (14) days to respond with any objections. The Plaintiff has not filed any objections, and the time to do so has passed.

When a party does not file an objection, “the Court need only satisfy itself that there is no plain error on the face of the record.” *Gauthier v. Union Pac. R.R. Co.*, 644 F.Supp.2d 824, 828 (E.D. Tex. 2009) (citing *Douglass v. United Serv. Auto. Ass’n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (*en banc*)). The Court has reviewed the Report and Recommendation [5] and finds it to be well-reasoned and that there is no plain error.

The Court therefore ADOPTS IN FULL the Report and Recommendation [5]. The Plaintiff's Complaint [1] is hereby DISMISSED *without prejudice*, and the Plaintiff's application [2] to proceed *in forma pauperis* is DENIED as moot. This CASE is CLOSED.

SO ORDERED, this the 2nd day of March, 2022.

/s/ Sharion Aycock  
UNITED STATES DISTRICT JUDGE